



**STATEMENT FOR THE
SUBCOMMITTEE ON COAST GUARD AND
MARITIME TRANSPORTATION
AND
THE SUBCOMMITTEE ON OCEANS AND FISHERIES
ON
THURSDAY, SEPTEMBER 29, 2005
AT
1000 IN ROOM 1334, LHOB**

**PREPARED BY
MR. JOSEPH J. COX
PRESIDENT & CEO
CHAMBER OF SHIPPING OF AMERICA**

Thank you, Chairman Gilchrest, Chairman LoBiondo and committee members. I am Joseph J. Cox, President of the Chamber of Shipping of America (CSA). CSA is an organization of companies that own, operate or charter vessels or are in fields closely allied to operations. CSA traces its founding to 1917 when several companies formed the original association to respond to the then initial government steps in regulating maritime safety. We have twenty-six members who operate a wide variety of types and sizes of vessels including, container ships, crude and product tankers, roll-on roll-off ships, chemical ships, integrated tug-barge units, articulated tug-barge units and LNG tankers.

We appreciate the opportunity to testify before your subcommittees today on the important issue of marine debris and its effects on the marine environment.

In 1987, we were pleased to testify at a hearing held by the other body relative to concerns with plastics pollution. At that time, CSA reviewed the situation with our members and we agreed there was a problem with the use of plastics and the degree to which plastics was entering our marine environment. At that time, we made a statement that is still valid today, i.e. the problem with plastics, and we can extrapolate that to include the broad category of marine debris, is that any discharge of these long-lasting products into the marine environment is not acceptable. Further, the problem, to whatever extent it exists, is a problem in which all users of the marine environment are involved. Commercial vessels, fishermen, ferries, recreational boaters and others are clearly users of the waterways. However, “users” has a broad definition in that someone discarding a plastic product into a storm sewer can be polluting our waters. We have all seen the signs alongside our highways advising that litter from this location pollutes, for example, the Chesapeake Bay. We in the commercial industry accept our responsibilities to take steps to limit some discharges and to eliminate others such as plastic material. We also

believe that all “users” of the waterways should be required to accept their obligation to prevent pollution.

In the letter inviting CSA to testify, you ask “How effective have the national laws and international agreements been in preventing and controlling human generated marine debris?” We believe the answer to the answer to this question is definitely affirmative for the commercial cargo-carrying community. Our vessels are controlled under Annex V of the International Convention for the Prevention of Pollution from Ships, 1973. This international treaty, referred to as MARPOL, is given effect through U.S. law found in Title 33, Chapter 33 of the U.S. Code. Regulation 3 of Annex V requires, inter alia, “...the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags, is prohibited.” There are control measures found in the Annex and the domestic laws and regulations giving them effect. Vessels must have garbage control plans, a garbage record book that becomes a part of the vessel’s official log and have placards describing the plan at locations where garbage is handled. The plans differ according to the type of vessels and run she is on. A domestic operating vessel is somewhat different from one on a foreign run. The former can use domestic services to remove garbage in the same way as a person on shore. The foreign-going vessel must use services that are approved by the Animal Plant and Health Inspection Service. More than a few years ago, I looked into the requirements of APHIS on behalf of CSA’s members. It was a fascinating education. I learned that the U.S. has experienced some ten or twelve outbreaks of foot-and-mouth disease in our history and, if memory serves correctly, nine of those were traceable to ship’s garbage. Of course, plans do not necessarily mean that persons are complying. For seafarers, the water is a home for a great amount of the time. Many have told us that they do not like to see pollution occurring. In addition to this natural motivation, there are practical reasons why we believe there is a high degree of compliance.

First, the U.S. Code calls for a number of potential sanctions for polluters. To begin, a violation is a felony. The fines in the Code are substantial going up to \$25,000 with each day being a separate violation. We note that ships can be held liable in rem for these violations. When we sent a notice to our members about this hearing, we asked for their experience. Their response generally was that their crew are trained to meet the requirements of the law and company policy establishes strict guidelines. There are well-publicized recent cases where crew have been held criminally liable for falsifying log books which, when presented to a government authority, are a statement. That false statement is the criminal act. In addition to the direct effects, crew may be subject to action against their license or mariner document. Fines are certainly one level of deterrent but losing the ability to sail is a much higher magnitude.

The second question in the invitation letter is “Are there any shortfalls in existing Federal programs that should be addressed in legislation?” For the commercial industry, we believe the answer is no. The current requirements in MARPOL and U.S. law and regulations seem to us to be adequate in addressing our part of the marine debris problem. We note that when we discussed plastics in 1987, several experts noted the long-term effects of plastics. We would not be surprised to learn that plastics found in the waterways over ten years ago may still be present in some form albeit degraded. Legislation may be appropriate although we believe that current controls are sufficient to prevent new introductions from our industry.

Your invitation letter asked for any comments or concerns with regard to S. 362. We have reviewed that legislation and offer a few comments on certain sections.

Section 2. Findings and Purpose.

We note that one of the findings is “Insufficient knowledge and data on the source, movement, and effects of plastics...” We do not have the expertise to comment on movement and effects although we believe there is merit in developing more information on sources. In our experience, it is too easy to identify commercial vessels as the main culprit concerning marine debris pollution. Our members have taken a number of steps to reduce or eliminate plastics, for example. Varied persons use the marine environment and all should be held equally accountable for the pollution they cause.

Under purposes, we support steps to identify sources of pollution. We support the reestablishment of the Inter-agency Marine Debris Coordinating Committee. This committee serves a valid purpose in coordinating the activity of various government agencies with responsibilities regarding marine debris. We support a Federal information clearinghouse as a mechanism to collect and coordinate work of researchers. We also support initiatives by the U.S. government internationally to identify actions that may be necessary to reduce concentrations of existing marine debris.

Section 3. NOAA Marine Debris Prevention and Removal Program.

Paragraph (a) establishes this program. We acknowledge that NOAA has responsibilities regarding marine debris although we accept that the U.S. Coast Guard has existing authority and responsibilities regarding garbage including plastics. The recognition of a NOAA responsibility should not interfere with the Coast Guard responsibility.

Paragraph (b)(1)(B) calls for NOAA to take measures to identify the origin, location and projected movement of marine debris within the U.S. navigable waters. This is an important precursor to developing any further regulations on control.

Paragraph (3) describes an outreach and education of the public program. We support this as we believe the commercial industry is aware of its responsibilities regarding marine debris although we are not confident that all others who contribute to the problem are as aware.

Section 4. Coast Guard Program.

Paragraph (a) (1) instructs the Coast Guard to develop a strategy to improve monitoring and enforcement of current laws. We noted above the reasons why we believe there is adherence to requirements by the commercial industry. We also recognize the other users of our waters may not experience an acceptable degree of enforcement of the pollution regulations. We support a strategy that identifies and targets those not complying with current law.

Paragraph (a) (2) calls for reception facilities. Our members generally contract with private services to handle our garbage. There are some private terminals that no longer allow the service provider access to the dock for security purposes. Provided we have the freedom to negotiate with various providers, we believe the commercial market best addresses our needs.

Paragraph (a) (3) refers to closing record gaps. We do not believe there is any gap regarding commercial vessels.

Paragraph (a) (6) describes a voluntary program for reporting inadequate reception facilities for garbage. We note that Regulation 7 (2) of MARPOL requires a government of a party to MARPOL to report to the IMO any alleged lack of adequate reception facilities. Any voluntary program instituted by the Coast Guard to identify inadequate reception facilities entails an obligation to inform the IMO of the inadequacy. We support a voluntary program and suggest that the program extend to the other reception facilities called for in MARPOL. The industry has made repeated comments to the IMO that adequate reception facilities are not available in many member states.

Chairman Gilchrest, Chairman LoBiondo and committee members, this concludes my written testimony. I would be pleased to answer any questions or provide further information to your committees.
